

Any alleged error regarding the “moral certainty” jury charge was waived by the failure to present it on direct appeal. Furthermore, the “moral certainty” jury charge was proper. See Carter v. State, 958 S.W.2d 620, 626 (Tenn. 1997).

Likewise, any alleged error regarding a “dynamite” jury charge was waived by the failure to present it on direct appeal. Further, this allegation is not set forth in the petition or amended petition; thus, the post-conviction court properly refused to consider it. See Tenn. Code Ann. § 40-30-210(c).

After thoroughly reviewing the record, the briefs, and the law governing the issues presented by the petitioner, we conclude the evidence does not preponderate against the findings of the trial court that the petitioner received effective assistance of counsel. Further, no error of law requiring a reversal of judgment is apparent. Accordingly, pursuant to Rule 20 of the Tennessee Court of Criminal Appeals, we affirm the judgment of the trial court. Costs are taxed to the state as the appellant is indigent.

All of which is so ordered.

JOE G. RILEY, JUDGE

CURWOOD WITT, JUDGE

**ROBERT W. WEDEMEYER,
SPECIAL JUDGE**